

### REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action mailed June 6, 2008. Claims 18-23 were pending in the present application. This Amendment amends claims 18 and 21, and cancels claims 22-23, leaving pending in the application claims 18-21. Reconsideration of the rejected claims is respectfully requested.

#### **I. Objection to the Claims**

Claim 23 is objected to as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Although Applicants do not necessarily agree with the objection, this claim has been canceled in order to expedite examination and issuance of the pending claims, such that the objection is now moot. Further, claims 21-23 are discussed as being a substantial duplicate of claims 18-20. Similarly, claims 22-23 have been canceled and claim 21 as amended depends from claim 18 in order to expedite issuance of the pending claims, such that these potential objections are also moot. Applicants therefore respectfully request that the objections be withdrawn.

#### **II. Rejection under 35 U.S.C. §102**

Claims 18-23 are rejected under 35 U.S.C. §102(b) as being anticipated by *Straforini* (US Patent No. 6,092,059). Applicants respectfully submit that *Straforini* does not disclose each element of these claims.

For example, Applicants' claim 1 as amended recites a method of classifying defects, comprising the steps of:

determining a sampling rate of defects to be reviewed by a second inspection machine among defects detected by a first inspection machine; and reviewing, with said second inspection machine, defects sampled from said defects detected by said first inspection machine in accordance with said determined sampling rate and classifying said reviewed defects with a second defect classifier corresponding to said second inspection machine;

wherein in the step of determining, said sampling rate is determined for each defect class classified by a first defect classifier corresponding to said first inspection machine to reduce a number of defects to be reviewed by the second inspection machine among the defects detected by the first inspection machine

(*emphasis added*). Such limitations are not disclosed by *Straforini*.

*Straforini* discloses a classification system for classifying characteristics of an article into classes of characteristics based on features associated with the characteristics. The system uses a classifier that includes several classifier modules, including a first rule-based classifier RBC1 (54) that performs defect classification with a base rule, a training-base classifier TBC (56) that attempts to classify each type for defect which was not able to be classified by RBC 1 (54), a second rule-based classifier RBC2 (58) that performs defect classification with a base rule for classified defects, and a third rule-based classifier RBC3 (60) that performs defect classification with a base rule for unclassified defects based on the result of the classification of TBC (56) as shown in, and described with respect to, Figs. 3 and 5 (see also col. 10, lines 40-48; col. 12, line 53-col. 15, line 13). None of these classifiers, such as RBC2 (58), however, discloses a second inspection machine (a defect review machine) as recited in Applicants' claim 18 or described in Applicants' disclosure. For example, *Straforini* does not disclose a function that enables a second inspection machine to acquire an enlarged image of the defect for inspection.

Further, *Straforini* does not disclose that, in a determining step, a sampling rate of defects to be reviewed by a second inspection machine (a defect review machine) is determined for each of a set of defect classes, as classified by a first defect classifier corresponding to the first inspection machine, to reduce a number of defects to be reviewed by the second inspection machine. *Straforini* also does not further disclose reviewing, with said second inspection machine, defects sampled from said defects detected by said first inspection machine in accordance with said determined sampling rate and classifying said reviewed defects with a second defect classifier corresponding to said second inspection machine.

One feature of Applicants' claim 18 as amended is that, in the determining step, the sampling rate of defects to be reviewed by a second inspection machine (a defect review machine which has a function of automatically acquiring an enlargement image of a defect in accordance with defect location information derived from a first inspection machine (a defect detection machine)) is determined for each defect class classified by a first defect classifier corresponding to the first inspection machine to reduce a number of defects to be reviewed by

the second inspection machine among the defects detected by the first inspection machine. A set of defects detected by the first inspection machine (the defect detection machine) and then its subset are subjected to a fine inspection in the second inspection machine (the defect review machine).

As discussed, *Straforini* does not disclose such limitations. Accordingly, *Straforini* cannot anticipate Applicants' claim 18 or the claims that depend therefrom. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

### **III. Amendment to the Claims**

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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